

AN ORDINANCE TO AMEND CHAPTER 11 OF THE MUNICIPAL CODE OF THE CITY OF HOOVER, ALABAMA, ENTITLED OFFENSES - MISCELLANEOUS, TO MAKE IT UNLAWFUL FOR ANY MINOR TO PURCHASE, USE, POSSESS, OR TRANSPORT TOBACCO OR TOBACCO PRODUCTS AND TO FURTHER MAKE IT UNLAWFUL TO SELL, BARTER, EXCHANGE OR GIVE TO ANY MINOR TOBACCO OR TOBACCO PRODUCTS.

Be it ordained by the Council of the City of Hoover, Alabama, as follows:

Chapter 11 is hereby amended by adding thereto Article XII entitled "Tobacco Use by Minors" as follows:

ARTICLE XII - TOBACCO USE BY MINORS

Sec. 11-221. Unlawful to purchase, use, possess or transport tobacco or tobacco product. It is unlawful for any minor to purchase, use, possess, or transport tobacco or tobacco products. It shall not be unlawful for a minor employee of a tobacco permit holder, as defined in Ala. Code § 28-11-2, to handle, transport, or sell tobacco or tobacco products if the minor employee is acting within the line and scope of employment and the permit holder, or an employee of the permit holder who is twenty-one (21) years of age or older, is present.

Sec. 11-222. Fines for unlawful possession of contraband. Any tobacco or tobacco product found in possession of a minor is contraband and subject to seizure by law enforcement. Any minor violating Section 11-221 shall be issued a citation and shall be fined Fifty Dollars (\$50.00) for each violation. The minor shall not be required to pay any other court costs or fees. Violations shall not be considered criminal offenses and will be administratively adjudicated by the municipal court.

Sec. 11-223. Interpretation of this Article. In interpreting Sections 11-221 and 222, the provisions and definitions of Ala Code §§ 28-11-1 through 28-11-15 as they may now exist or may hereinafter be enacted, are hereby adopted.

Sec. 11-224. Selling cigarettes to minors. It is unlawful to sell, barter, exchange or give to any minor any tobacco or tobacco product. Any person who sells, barter, exchanges, or gives to any minor any tobacco or tobacco product shall, upon conviction, be fined not less than Ten Dollars (\$10.00) and not more than Fifty Dollars (\$50.00) and may also be imprisoned in the city jail for not more than thirty (30) days.

This ordinance shall become effective immediately upon its adoption, approval and publication according to law.

APPROVED AND ADOPTED this the 17th day of August, 1998.

Barbara B McCollum
Barbara McCollum
President of Council

APPROVED BY:

Frank S. Skinner, Jr.
Frank S. Skinner, Jr., Mayor

ATTESTED BY:

Linda Crump
Linda Crump, City Clerk